

February 7, 2018

SUBMITTED VIA FOIA ONLINE

Regional Freedom of Information Officer  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**Re: *Freedom of Information Act Request Concerning Century Acquisition Inc., 49 Clayton Road, Sheffield MA 01222***

Dear Sir or Madam:

Conservation Law Foundation (CLF) hereby requests the records described below pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.* CLF requests disclosure of all requested records including any and all nonexempt portions of records that are otherwise determined to be exempt from review under the FOIA pursuant to 5 U.S.C. § 552(b). *Wightman v. Bureau of Alcohol, Tobacco & Firearms*, 755 F.2d 979, 983 (1st Cir. 1985). The requested records relate to the Bonded Concrete, Inc. d.b.a. Century Acquisition, Inc. facility in Sheffield, Massachusetts on Clayton Road (FRS ID: 110037394021).

CLF requests the following:

- All correspondence between Region 1 U.S. Environmental Protection Agency (EPA) staff and Century Acquisition Inc. and/or Century Acquisition Inc.'s agents and representatives, including counsel, since January 16, 2018, including but not limited to letters, emails, phone logs, and conversation notes, concerning the Bonded Concrete, Inc. d.b.a. Century Acquisition, Inc. facility in Sheffield, Massachusetts on Clayton Road (FRS ID: 110037394021).
- All correspondence between Region 1 EPA staff and Bonded Concrete Inc. and/or Bonded Concrete Inc.'s agents and representatives, including counsel, since January 16, 2018, including but not limited to letters, emails, phone logs, and conversation notes, concerning the Bonded Concrete, Inc. d.b.a. Century Acquisition, Inc. facility in Sheffield, Massachusetts on Clayton Road (FRS ID: 110037394021).
- All records concerning the Bonded Concrete, Inc. d.b.a. Century Acquisition, Inc. facility in Sheffield, Massachusetts on Clayton Road (FRS ID: 110037394021) prepared or received by EPA from January 1, 2008 through the present.

- All records concerning any ECHO summary report showing the Bonded Concrete, Inc. d.b.a. Century Acquisition, Inc. facility in Sheffield, Massachusetts on Clayton Road (FRS ID: 110037394021) as having Resource Conservation and Recovery Act (RCRA) and/or Clean Water Act violations from January 1, 2008 through the present, including but not limited to the data underlying any summary report(s), records concerning EPA's process for generating and/or modifying any summary report(s), and all correspondence (including phone logs and conversation notes) between Region 1 EPA staff and Bonded Concrete, Inc. (including Bonded Concrete, Inc. agents and representatives) and/or between Region 1 EPA staff and Century Acquisition, Inc. (including Century Acquisition, Inc. agents and representatives) regarding modifications or corrections to any summary report(s).

CLF looks forward to a response and determination from your office within twenty working days of receipt of this request consistent with 5 U.S.C. § 552(a)(6) and 40 C.F.R. § 2.104. If this request is denied in whole or in part, CLF is entitled to receive, at a minimum: (1) a detailed index/list of the records withheld, including the name of the record, the subject of the record, the author of the record, and the date of the record; and (2) EPA's basis for withholding the records. *Church of Scientology Int'l v. U.S. Dep't of Justice*, 30 F.3d 224, 228 (1st Cir. 1994); *Vaughn v. Rosen*, 484 F.2d 820, 823-28 (D.C. Cir. 1973), *cert. denied* 415 U.S. 977 (1974).

#### Fee Waiver Request

CLF works on behalf of the public interest and this FOIA request is made in furtherance of the public interest. As such, CLF requests a waiver of any and all fees associated with the disclosure of records pursuant to this request. The FOIA and EPA's regulations provide that records will be furnished at reduced or no charge when disclosure "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii); 40 C.F.R. § 2.107(l). CLF addresses in the following paragraphs the six factors that the FOIA officer will consider in determining whether CLF has met the fee waiver requirements. For the reasons stated below, a fee waiver is appropriate under FOIA and EPA regulations.

- (i) The subject of the requested records must concern identifiable operations or activities of the Federal government, with a connection that is direct and clear, not remote. 40 C.F.R. §2.107(l)(2)(i)

CLF seeks the information referred to in this request in order to better understand the factual and policy issues concerning stormwater pollution in and around the Konkapot River and Housatonic River, on behalf of its approximately 4,000 members and the public. The requested records directly concern the operations and activities of EPA in its role as the primary enforcer and administrator of the Clean Water Act and RCRA in Massachusetts, in which role EPA maintains the records regarding pollutant discharges and enforcement and compliance of the Bonded Concrete, Inc. d.b.a. Century Acquisition, Inc. facility in Sheffield, Massachusetts on Clayton Road (FRS ID: 110037394021).

- (ii) The disclosable portions of the requested records must be meaningfully informative about government operations or activities in order to be “likely to contribute” to an increased public understanding of those operations or activities. 40 C.F.R. §2.107(l)(2)(ii)

The records requested by CLF will provide CLF, its members, and the general public with an increased understanding of the NPDES permitting operations and activities of EPA as they relate to permit applications and pollutant discharges, as well as the enforcement activities of EPA under RCRA, with respect to the Bonded Concrete, Inc. d.b.a. Century Acquisition, Inc. facility in Sheffield, Massachusetts on Clayton Road (FRS ID: 110037394021). Moreover, CLF specifically intends to publish EPA’s response and disseminate the responsive documents to CLF’s members and the general public.

- (iii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. 40 C.F.R. §2.107(l)(2)(iii)

The records are requested by CLF on behalf of its approximately 4,000 members and the general public, which constitute a reasonably broad audience of persons. CLF specifically intends to publish EPA’s response and disseminate the responsive documents to CLF’s members and the general public.

- (iv) The public’s understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, must be enhanced by the disclosure to a significant extent. 40 C.F.R. §2.107(l)(2)(iii)

The public’s understanding of the factual and policy issues concerning stormwater pollution and EPA’s actions to ensure compliance with applicable statutes in Massachusetts will be enhanced to a significant extent by disclosure of the requested records.

- (v) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure. 40 C.F.R. §2.107(l)(3)(i)

CLF is a non-profit environmental organization with no commercial interests.

- (vi) The primary interest in disclosure: Whether any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is “primarily in the commercial interest of the requester.” 40 C.F.R. §2.107(l)(3)(ii)

As CLF is a non-profit public interest environmental organization with no commercial interests, CLF’s primary (and only) interest in the requested disclosure is non-commercial and entirely in the public interest.

Thank you in advance for your assistance with this request. Should you have any questions, please contact Emily K. Green by phone at 207-210-6439, or by email at [egreen@clf.org](mailto:egreen@clf.org).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Emily K. Green', with a long horizontal flourish extending to the right.

Emily K. Green  
Staff Attorney  
Conservation Law Foundation  
53 Exchange Street, Ste 200  
Portland, ME 04101  
207-210-6439